

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

*Plaintiff,*

**v.**

**JACOB LANCE PRITCHETT,**

*Defendant.*

**Case No. CR-22-038-RAW**

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**UNITED STATES' TRIAL BRIEF**

COMES NOW the United States of America, by and through Christopher J. Wilson, United States Attorney, and Morgan Muzljakovich, Assistant United States Attorney, and respectfully submits its brief for trial in the above-styled case.

**STATUS OF THE CASE**

- A. A jury trial is currently set for May 3, 2022 before the Honorable Ronald A. White.
- B. Estimated time for trial (including jury selection) is 3 days.
- C. The defendant is not in custody.
- D. Trial by jury has not been waived.
- E. The United States expects to call approximately 10 to 15 witnesses.
- F. An interpreter is not needed.
- G. The parties have not reached any stipulations at this time, nor have the parties yet discussed the possibility of pre-admitting exhibits. The United States will coordinate with defense counsel prior to the pretrial conference regarding possible stipulation and preadmission of exhibits.
- H. Defendant has not given the United States notice of any affirmative defense, provided the United States with any discovery, or disclosed any expert witnesses.

### **PROCEDURAL HISTORY**

On March 8, 2022, a grand jury returned a two-count Indictment, charging defendant with:

- one count of Aggravated Sexual Abuse in Indian Country, in violation of 18 U.S.C. §§ 2241(c), 2246(2)(A), 1151 and 1153, relating to events which occurred beginning on or about August 28, 2009 and continuing until on or about August 28, 2012.
- one count of Abusive Sexual Contact in Indian Country, in violation of 18 U.S.C. §§ 2244(a)(5), 2246(3), 1151 and 1153, relating to events which occurred beginning on or about January 11, 2010 and continuing until on or about January 11, 2011.

### **FACTUAL OVERVIEW**

In 2009, when M.S. was only six years old, the Defendant Jacob Lance Pritchett began sexually abusing her. The sexual abuse continued until around 2012, when M.S. was in the fourth grade. M.S. disclosed the sexual abuse when she was eighteen years old which launched an investigation into the crime by the Cherokee Nation Marshalls and the Federal Bureau of Investigation.

The Defendant primarily sexually molested M.S. at her grandfather's house in Tahlequah, Oklahoma. M.S. described the Defendant inserting his penis into her vagina on multiple occasions. M.S. told police the offense would happen when the Defendant was home alone with her or if her grandfather was asleep. During some of the abuse, the Defendant laid down next to her on the couch to commit the abuse. Other times, the Defendant would take M.S. into the bathroom to commit the offense. The Defendant would cover M.S.'s mouth with his hand to muffle any noises she made. M.S. was unsure of exactly how many times the abuse occurred but believed it to be more than ten times.

During the course of the investigation another victim of the Defendant came to the attention of investigators. B.P. was around ten years old and in the fifth grade from 2010-2011. One night during that time period, B.P. spent the night at her aunt's house located between Hulbert and Tahlequah, Oklahoma. While asleep on the couch, B.P. woke up to the Defendant laying next to her with his hands stroking her vagina under her pants but over her underwear. B.P. pulled the Defendant's hand out of her pants and asked the Defendant what he was doing. The Defendant then put his hands back down B.P.'s pants and asked B.P. if anyone had ever touched her before. B.P. pulled the Defendant's hand out of her pants and ran out of the living room. B.P. went to her aunt's bedroom and woke up the adults in that room. B.P. disclosed what occurred with the Defendant and B.P.'s aunt confronted the Defendant with a firearm regarding the conduct.

**PROPOSED WITNESSES AND  
TIME OF DIRECT EXAMINATION**

The United States expects to call the following witnesses in its case-in-chief. The anticipated time for the direct examination and a summary of the expected testimony is provided for each witness. *Note:* This is not an exhaustive list of potential witnesses in the case, nor is it an all-inclusive list of the topics each witness will discuss at trial. Rather, the following is merely the witnesses and topics the United States believes may be necessary.

- 1. M.S.  
Approximately 45 minutes  
Victim in Count 1**

This witness will testify to her interactions with defendant, the sexual abuse the defendant perpetrated against her, the impact that abuse has had on her, and all other facts and circumstances consistent with the above summary and the statements this witness made to members of law enforcement.

**2. B.P.**  
**Approximately 45 minutes**  
**Victim in Count 2**

This witness will testify to her interactions with defendant, the sexual abuse the defendant perpetrated against her, the impact that abuse has had on her, and all other facts and circumstances consistent with the above summary and the statements this witness made to members of law enforcement.

**3. D.W.**  
**Approximately 45 minutes**  
**414/404B Victim**

This witness, if allowed, will testify to his interactions with defendant, the sexual abuse the defendant perpetrated against him, the impact that abuse has had on him, and all other facts and circumstances consistent with the above summary and the statements this witness made to members of law enforcement.

**4. B.W.**  
**Approximately 30 minutes**  
**Mother of D.W./Relative of B.P. and M.S.**

This witness will testify that she made the initial report regarding M.S.'s sexual assault. She will testify that the Defendant lived with her for a period of time and that the Defendant was around her son, D.W. She will testify consistently with her previous statements that have been previously provided to the defense in discovery.

**5. K.T.**  
**Approximately 30 minutes**  
**Relative of B.P. and M.S.**

This witness will testify regarding her memory of the events of the night involving the sexual abuse of B.P. by the Defendant. She will testify consistently with her previous statements that have been previously provided to the defense in discovery.

**6. Jason Pritchett**  
**Approximately 30 minutes**  
**Brother of Defendant**

This witness will testify regarding his memory of the events of the night involving the sexual abuse of B.P. by the Defendant. He will testify consistently with his previous statements that have been previously provided to the defense in discovery.

**7. Jeremia Pritchett**  
**Approximately 30 minutes**  
**Brother of Defendant**

This witness will testify regarding his memory of the events of the night involving the sexual abuse of B.P. by the Defendant. He will testify consistently with his previous statements that have been previously provided to the defense in discovery.

**8. Haley Hix**  
**Approximately 30 minutes**  
**Witness**

This witness will testify regarding her memory of the events of the night involving the sexual abuse of B.P. by the Defendant. She will testify consistently with her previous statements that have been previously provided to the defense in discovery.

**9. Andrea Hamilton**  
**Expert Witness—Forensic Interviewer/Mental Health Specialist**  
**Approximately 45 minutes**

This witness is an expert regarding child sexual abuse. She will testify about the process of disclosure, which includes explaining why children wait and do not tell someone immediately about abuse, and why children will disclose more information about abuse over time.

**10. Erik Fuson**  
**Approximately 30 minutes**  
**Cherokee Nation Marshall Service**

This witness will testify consistent with reports and materials previously provided in discovery regarding his investigation of the case.

**11. Representative of the United Keetoowah Band of the Cherokee Indians**  
**Approximately 10 minutes**

This witness will testify to the fact that the Defendant is a member of the United Keetoowah Band of Cherokee Indians and is therefore a member of federally recognized tribe and has some degree of Indian blood.

**FACTUAL AND LEGAL ISSUES**

The United States will file a Notice of Intent to Admit Evidence of Similar Crimes in Child-Molestation Cases/Other Crimes, Wrongs, or Other Acts simultaneously with the filing of this trial brief. At this time, the United States does not anticipate any other factual or legal issues in its case in chief.

**CONCLUSION**

The United States respectfully submits this Trial Brief to anticipate the factual and legal issues which may arise at trial. The United States requests that this Court grant it leave to submit additional briefing should subsequent issues be identified.

Respectfully submitted,

CHRISTOPHER J. WILSON  
United States Attorney

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**CERTIFICATE OF SERVICE**

I, hereby certify that on April 4, 2022, I electronically transmitted the attached documents to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Robert D. Gifford, Attorney for Defendant.

s/Morgan Muzljakovich  
MORGAN MUZLJAKOVICH  
Assistant United States Attorney